

WISHA REGIONAL DIRECTIVE

Department of Labor and Industries

Division of Occupational Safety and Health

6.55 WSDOT and Cone-Setting Requirements

Date Issued: July 14, 2006

I. Background

The Washington State Department of Transportation (WSDOT) and other employers have been cited for employees setting cones while riding on the tailgates of pickup trucks, without proper seats or safety belts. As the result of a 1996 citation, L&I has entered into a settlement agreement with WSDOT concerning the setting of cones.

Key characteristics of the procedures issued by WSDOT to its staff as part of the settlement include:

1. A WSDOT declaration that riding on the tailgate of a pickup is prohibited;
2. Four acceptable procedures for setting cones:
 - a. Rear-mounted cone-setting platforms with standard guardrails;
 - b. Front-mounted cone-setting platforms with seats and seat belts;
 - c. Between-the-axles cone-setting platforms with seats and seat belts; or
 - d. Working out of the truck cab, with repeated stops to set cones or signs.
3. Specifications for strength and design of the platforms;
4. Use of quick release gates or chain at either end of the rear-mounted platforms;
5. Chain may be down on escape end if the centerline of the platform is marked and workers stay on other side centerline;
6. Guidelines for determining if a truck-mounted attenuator or shadow vehicle is needed.

This WISHA Regional Directive outlines enforcement practices consistent with the settlement agreement and WSDOT's outlined procedures, which have been previously distributed to all DOSH supervisors and Regional Hearing Officers for regional reference.

II. Scope and Application

This WISHA Regional Directive, which will remain in effect indefinitely, applies whenever DOSH consultation or compliance staffs encounter WSDOT cone-setting operations. This WRD incorporates the substance of WRD 6.55, issued August 9, 1996, which it hereby rescinds.

III. Special Inspection Protocols

A. How should DOSH compliance staff handle WSDOT operations?

No DOSH compliance inspector may issue citations for WSDOT cone-setting operations conducted in accordance with the provisions of the settlement agreement and WSDOT's published procedures.

If apparent violations of these procedures are observed, the inspector must carefully document all deficiencies, including the names and job titles of all WSDOT employees present or otherwise aware of the operation and the nature of the equipment being used.

B. What are the special review requirements for WSDOT cone-setting citations?

Prior to a citation being issued (and, when possible, prior to the closing conference), the DOSH Compliance Supervisor must consult with the Compliance Operations Manager and with the Office of the Attorney General.

C. What if flagrant violations of the settlement agreement are observed?

The review procedures described in III-B above must be followed for all citations; however, DOSH compliance staff may issue orders of immediate restraint in order to address flagrant violations representing an immediate danger to employees.

Approved: _____
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